

OFFICE OF PROFESSIONAL ACCOUNTABILITY (OPA)  
Closed Case REPORT  
October-November-December 2013  
OPA Director's Message

The Office of Professional Accountability (OPA) Quarterly Closed Case Report provides information about Seattle Police Department (SPD) misconduct complaints. This report includes summaries of investigations that were completed during October, November and December 2013, along with any discipline imposed. It also provides data on the number and classification of complaints filed the findings that resulted from investigations conducted, comparisons to 2012 data, information about the OPA mediation program, and policy and training recommendations.

- In October through December 2013, complaints were filed against 81 employees. This represents 4.5% of the 1,805 SPD employees.
- 16% of all allegations from investigations completed through December 2013 were sustained, resulting in discipline (as compared to a total of 12% Sustained allegations in 2012).
- 13% of all allegations from investigations completed through December 2013 resulted in a Training Referral, meaning the named employee received training or counseling as a result of the complaint (as compared to a total of 19% of allegations closed with similar finding in 2012).
- The remaining allegations were determined to be Unfounded, Lawful and Proper, or Inconclusive.



## Seattle Police Department – Office of Professional Accountability

### Closed Case Report October-November-December 2013

*Investigations involving alleged misconduct of SPD employees in the course of their official public duties are summarized below. Identifying information has been removed.*

#### October-November-December Closed Cases

| Case Summary  | Case Finding  |
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| <b>Correction</b> to the case finding in the April-June, 2013 Closed Case Report found on page 17 of that report (first case listed).   | The first allegation should have read:<br>1. Violation of Law (Reckless Driving)--<br><b>Sustained</b><br><br>The named employee pleaded guilty to Reckless Driving, not DUI/Hit & Run as first reported.   |
| The complainant alleged that the named employees used excessive force when taking him into custody. OPA added an allegation against named employee #2 for authoring a General Offense Report although he was a victim (which policy does not allow). OPA also added named employee #1, alleging he approved the General Offense Report authored by named employee #2. | Allegations and Findings:<br>Named employee #1:<br>Responsibility of Supervisors- <b>Training Referral</b><br>Named employee #2:<br>Unnecessary Use of Force- <b>Lawful &amp; Proper</b><br>Integrity-Conflict of Interest- <b>Training Referral</b><br>Named employee #3:<br>Unnecessary Use of Force- <b>Lawful &amp; Proper</b><br><br>The evidence showed that the force used against the complainant, who was hindering their investigation of an incident involving his wife, was necessary in order for the officers to investigate an incident in which the complainant was not involved. The evidence found that named employee #2 did author a General Offense Report in which he was named as a Victim and named employee #1 did authorize the Report. A Training Referral finding for named employees #1 & #2 resulted in both employees reviewing this incident with their supervisor to refresh their understanding of conflict of interest when writing General Offense Reports. |
| The complainant, who was working with a local news film crew during the May Day Protest, alleged that an unknown officer used OC (pepper) spray on him and his cameraman and said words to the effect of "if you are going to act like protestors, we are going to treat you like them."  | Allegations and Findings:<br>1. Unnecessary Use of Force— <b>Inconclusive</b><br>2. The Use of Less Lethal Force—<br><b>Inconclusive</b><br>3. Professionalism-Courtesy— <b>Inconclusive</b><br><br>The evidence could neither prove nor disprove the allegations made in this complaint. OPA was not able to identify a named employee after reviewing extensive video footage of the May Day Protest.   |



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| Case Summary   | Case Finding  |
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| <p>The complainant, an Assistant US Attorney, alleged that the named employee mishandled and destroyed electronic communications which were required in a court proceeding. The complainant also alleged the named employee misrepresented the evidence to the US Attorney's Office regarding the electronic communications.</p> | <p>Allegations and Findings:</p> <ol style="list-style-type: none"> <li>1. Professionalism-Exercise of Discretion—<b>Inconclusive</b></li> <li>2. Honesty-<b>Inconclusive</b></li> <li>3. Mishandling Property/Evidence-<b>Inconclusive</b></li> </ol> <p>The evidence could neither prove nor disprove the allegations made in this complaint.</p>   |
| <p>The complainant alleged that named employee #1 kick him on the foot causing him to fall. Complainant also alleged named employee #2 "belittled" him.</p>  | <p>Allegations and Findings:</p> <p>Named employee #1</p> <ol style="list-style-type: none"> <li>1. Unnecessary Use of Force—<b>Lawful &amp; Proper</b></li> </ol> <p>Named employee #2</p> <ol style="list-style-type: none"> <li>1. Unnecessary Use of Force—<b>Lawful &amp; Proper</b></li> <li>2. Professionalism-Courtesy—<b>Inconclusive</b></li> </ol> <p>The evidence showed that the named employees used reasonable and necessary force on the complainant. The evidence could neither prove nor disprove whether named employee #2 was discourteous toward the complainant.</p>      |
| <p>The complainant alleged that named employees used excessive force when taking him into custody during the May Day Protest.</p>  | <p>Allegations and Findings</p> <p>Named employee #1</p> <ol style="list-style-type: none"> <li>1. Unnecessary Use of Force—<b>Lawful &amp; Proper</b></li> </ol> <p>Named employee #2</p> <ol style="list-style-type: none"> <li>1. Unnecessary Use of Force—<b>Lawful &amp; Proper</b></li> </ol> <p>Named employee #3</p> <ol style="list-style-type: none"> <li>1. Unnecessary Use of Force—<b>Lawful &amp; Proper</b></li> </ol> <p>The evidence, including video of the arrest, showed that named employees used reasonable and necessary force to take the complainant into custody.</p> |



## Seattle Police Department – Office of Professional Accountability

| Case Summary   | Case Finding   |
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| <p>The complainant alleged that named employee #1 was discourteous toward her when officers were taking her into police custody. The complainant also alleged that named officers would not handcuff her in the front after being asked several times because of a pre-existing injury. The complainant, while she was in a Precinct holding cell, alleged that unknown officers failed to report her allegation that named employee #1 injured and mistreated her. OPA added an allegation against named employee #1 for failure to use In-Car Video.</p> | <p>Allegations and Findings:</p> <p>Named employee #1</p> <ol style="list-style-type: none"><li>1. Professionalism-Courtesy—<b>Unfounded</b></li><li>2. Professionalism-Exercise of Discretion—<b>Lawful &amp; Proper*</b></li><li>3. Unnecessary Use of Force—<b>Unfounded</b></li><li>4. In-Car Video/Policy—<b>Training Referral</b></li></ol> <p>Named employee #2</p> <ol style="list-style-type: none"><li>1. Professionalism-Exercise of Discretion—<b>Unfounded</b></li></ol> <p>Named employee #3</p> <ol style="list-style-type: none"><li>1. Internal Complaint Process/Individual Employee—<b>Inconclusive</b></li></ol> <p>The evidence, including several eyewitnesses, showed that named employee #1 was professional toward the complainant and did not use force while handcuffing her. The evidence also showed that named employee #1 was within policy when he made the decision to handcuff the complainant with her hands in the back. The evidence found that named employee #1 did not use his In-Car Video in accordance with Department policy. A Training Referral assisted the named employee by reviewing this incident with his supervisor and the supervisor also reviewed the In-Car Video policy with the named employee. The evidence showed that named employee #2 was within Department policy when handcuffing the complainant in the back for officer safety. The evidence neither proved nor disproved whether officers in the Precinct heard the complainant allege being mistreated by named employee #1.</p> <p>*OPA proposed finding had been “Training Referral” for named employee #1. After discussion with the Precinct Commander and his agreement to provide feedback to the named employee, the OPA Director recommended a finding of “Lawful &amp; Proper.”</p> |



## Seattle Police Department – Office of Professional Accountability

| Case Summary  | Case Finding  |
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| The complainant, a juvenile, alleged that named employees arrested her without cause and used excessive force when taking her into custody.   | <p>Allegations and Findings:<br/>           Named employees #1 and #2, same allegations, same findings</p> <ol style="list-style-type: none"> <li>1. Unnecessary Use of Force—<b>Lawful &amp; Proper</b></li> <li>2. Exercise of Discretion—<b>Unfounded</b></li> </ol> <p>The evidence showed that the named employees did have probable cause to take the complainant into police custody. The evidence also showed that the force used on the complainant was reasonable, necessary and within Department policy.</p>  |
| The complainant, a supervisor in the Department, alleged that the named employee urinated behind a closed business. This incident was captured on security video of the business and subsequently published for viewing by a local television station.                            | <p>Allegation and finding:<br/>           1. Professionalism—<b>Sustained</b></p> <p>The evidence supported the allegation against the named employee. The named employee contacted the business owner and apologized for his actions.</p> <p>Discipline: Written reprimand</p>   |
| The complainant, a supervisor in the Department, alleged that named employee #1 used excessive force on a minor, causing injury. The complainant also alleged that named employee #2 failed to report the use of force.   | <p>Allegations and Findings<br/>           Named employee #1</p> <ol style="list-style-type: none"> <li>1. Unnecessary Use of Force—<b>Lawful &amp; Proper</b></li> </ol> <p>Named employee #2</p> <ol style="list-style-type: none"> <li>2. Failure to Report Misconduct—<b>Unfounded</b></li> </ol> <p>The evidence showed that the force used on the minor subject was reasonable, necessary and within Department guidelines. The evidence also showed that named employee #2 was not present during this incident and became aware of it through second-hand conversation.</p> |
| The complainant, a supervisor on the Department's Use of Force Review Board, alleged that the named employee used excessive force on a subject causing injury when she tried to enter the elevator with officers who were taking an acquaintance of the complainant into custody. | <p>Allegation and Finding:<br/>           1. Unnecessary Use of Force—<b>Lawful &amp; Proper</b></p> <p>The evidence showed that the named employee used minimal and necessary force to prevent subject from entering the elevator. The Seattle Fire Department responded to this incident, did not find signs of trauma as alleged and the subject declined ambulance assistance.</p>  |



# Seattle Police Department – Office of Professional Accountability

| Case Summary  | Case Finding   |
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| <p>The complainant alleged that named employee, while working off-duty directing traffic at a construction site, was rude and used profanity toward her. OPA added two additional allegations, failure to obtain a secondary work permit and failure to log in with Communications at the start of the off-duty shift.</p>                      | <p>Allegations and Findings:</p> <ol style="list-style-type: none"> <li>1. Professionalism-Courtesy—<b>Sustained</b></li> <li>2. Professionalism-Profanity—<b>Inconclusive</b></li> <li>3. Secondary Employment/Permits—<b>Training Referral</b></li> <li>4. Secondary Employment/Radio Responsibilities—<b>Sustained</b></li> </ol> <p>The evidence, including admission by the named employee, showed that he was discourteous when speaking with the complainant. The evidence could neither prove nor disprove whether the named employee used profanity toward the complainant. The evidence showed that the named employee failed to log in with Communications prior to working his off-duty shift. A Training Referral finding required a supervisor to review the Secondary Employment policy with the named employee and discuss the section that requires approval of secondary work permits prior to working off-duty assignments.</p> <p>Discipline: Written reprimand; 45-day suspension of all Secondary Work Permits</p> |
| <p>The complainant, a supervisor within OPA, while investigating another OPA complaint, reviewed evidence provided by the named employee in that complaint suggesting that an unknown named employee used excessive force on a subject causing injury. The complainant also alleged that named employee #1 failed to report the misconduct.</p> | <p>Allegations and Findings:</p> <p>Named employee #1</p> <ol style="list-style-type: none"> <li>1. Failure to Report Misconduct—<b>Unfounded</b></li> </ol> <p>Named employee #2</p> <ol style="list-style-type: none"> <li>1. Unnecessary Use of Force—<b>Inconclusive</b></li> </ol> <p>After an extensive search, OPA was unable to locate an incident similar to the one described by named employee #1, therefore, the allegation of unnecessary use of force by the unknown named employee could neither be proved for disproved by preponderance of the evidence. The evidence showed that named employee #1 was not present at the scene, nor was an incident located; therefore named employee #1 did not violate the failure to report misconduct policy.</p>   |



## Seattle Police Department – Office of Professional Accountability

| Case Summary  | Case Finding  |
|---|---|
| <p>The anonymous complainant alleged that named Parking Enforcement Officer (PEO), while working off-duty directing traffic, “chewed out, was bossy, aggressive and unprofessional,” when contacting a driver. OPA added an allegation that the named PEO did not have a valid Secondary Work Permit.</p>   | <p>Allegations and Findings:</p> <ol style="list-style-type: none"> <li>1. Professionalism-Courtesy—<b>Unfounded</b></li> <li>2. Secondary Employment/Permit—<b>Training Referral</b></li> </ol> <p>The evidence showed that the named employee raised his voice to get the attention of a driver who was on his cell phone and did not follow direction to move through an intersection that caused traffic to back up. A Training Referral finding benefitted the named employee by reviewing the Secondary Work Permit Policy with his supervisor and the supervisor stressed the need to have an approved work permit for each location at which the employee works.</p>  |
| <p>The complainant alleged that named employee, while working off-duty directing traffic at a construction site, was unprofessional when speaking to her after she traveled the wrong way in a construction area. OPA added the allegations that the named employee did not have an approved Secondary Work Permit and Failure to Log in with Communications prior to his off-duty shift.</p> | <p>Allegations and Findings:</p> <ol style="list-style-type: none"> <li>1. Professionalism-Courtesy—<b>Inconclusive</b></li> <li>2. Secondary Employment/Permit—<b>Sustained</b></li> <li>3. Secondary Employment/Radio Responsibilities—<b>Sustained</b></li> </ol> <p>The evidence could neither prove nor disprove whether the named employee was discourteous toward the complainant. The evidence did show that the named employee did not have a valid Secondary Work Permit and did not log in with Communications prior to working his off-duty shift.</p> <p>Discipline: 1-day suspension without pay; future violations of these policies may result in revocation of secondary work permits for up to one year</p> |
| <p>The complainant, a supervisor in the Department, alleged that the named employee was arrested and charged with Driving Under the Influence (DUI) while he was off-duty. Possible criminal conduct is defined under SPD policy as an allegation of Violation of Law.</p>  | <p>Allegation and Finding:</p> <ol style="list-style-type: none"> <li>1. Violation of Law—<b>Sustained</b></li> </ol> <p>The evidence showed that the named employee pleaded guilty to Negligent Driving in the First Degree.</p> <p>Discipline: 5-day suspension without pay, 2 days held in abeyance; any additional related incidents where it is determined that Department policy was violated will result in the imposition of the 2 days held in abeyance and additional discipline up to and including termination.</p>   |



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| Case Summary  | Case Finding  |
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| <p>The complainant, a supervisor in the Department, received information from an acquaintance that an unknown Department employee was selling him and others narcotics.</p>   | <p>Allegation and Finding:</p> <ol style="list-style-type: none"> <li>1. Violation of Law—<b>Inconclusive</b></li> </ol> <p>This allegation was investigated by the Seattle Division of the Federal Bureau of Investigation (FBI). The FBI Special Agent in Charge determined there was insufficient corroboration to warrant further investigation of this allegation.</p>   |
| <p>The complainant, a supervisor in the Department, alleged that the named employee worked an afternoon off-duty assignment the same day she called in sick for work. OPA added an allegation that the named employee failed to log in with Communications at the start of her off-duty assignment.</p>   | <p>Allegations and Finding:</p> <ol style="list-style-type: none"> <li>1. Secondary Employment/Policy—<b>Sustained</b></li> <li>2. Secondary Employment/Radio Responsibilities—<b>Sustained</b></li> </ol> <p>The evidence showed, including admission by the named employee, that she did call in sick on the same day she worked an off-duty assignment. The named employee also admitted that she failed to log in with Communications prior to working the off-duty assignment.</p> <p>Discipline: Written reprimand; 30-day suspension of all Secondary Work Permits</p>   |
| <p>The complainant alleged that named officer, who stopped him for riding his bicycle in the street closed for a special event, grabbed his arm and pushed his chest when he tried to walk away. The complainant also alleged that named employee made statements to him that were condescending and patronizing and that the officer used poor discretion when he rescinded the initial traffic warning ticket and then issued the complainant a criminal citation for failure to obey an officer.</p> | <p>Allegations and Finding:</p> <ol style="list-style-type: none"> <li>1. Professionalism-Exercise of Discretion—<b>Lawful &amp; Proper</b></li> <li>2. Unnecessary Use of Force—<b>Lawful &amp; Proper</b></li> <li>3. Professionalism-Courtesy—<b>Training Referral</b></li> </ol> <p>The evidence showed that the named employee had lawful basis to issue the complainant a criminal citation for failure to obey an officer. The evidence also showed that the force used on the complainant was minimal, necessary and un-reportable force. A Training Referral finding required the named employee to review this incident with a supervisor and the supervisor emphasized the need to strive to be professional and courteous at all times.</p> |





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| Case Summary  | Case Finding   |
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| <p>The complainant, a supervisor in the Department, alleged that the named officer attempted to stop a stolen vehicle using a force tactic that is to be used only by trained personnel. The complainant also alleged that the named officer was insubordinate when he failed to terminate the pursuit after being directed to by a supervisor. Allegedly the named employee gave false information to a supervisor during the pursuit, used poor discretion in deciding to pursue the vehicle, failed to use lights and sirens and failed to cease pursuit when the risk of the pursuit outweighed the danger to the public.</p> | <p>Allegations and Findings:</p> <ol style="list-style-type: none"> <li>1. Insubordination—<b>Training Referral*</b></li> <li>2. Honesty—<b>Inconclusive*</b></li> <li>3. Exercise of Discretion—<b>Sustained</b></li> <li>4. Pursuing Officers will Exercise Due Care and Activate Emergency Equipment—<b>Sustained</b></li> <li>5. Officers will Cease Pursuit When the Risk of the Pursuit Outweighs the Danger to the Public—<b>Sustained</b></li> <li>6. Only Trained Personnel May Use Pursuit-Ending Tactics—<b>Training Referral*</b></li> </ol> <p>*OPA recommended Sustained for all of the above allegations. However, the Chief of Police accepted some of the findings recommended and amended others. Pursuant to SMC 3.28.81(A) the Chief of Police made a written statement to the Mayor and City Council of the material reasons why he issued a final finding other than what had been recommended by the OPA Director.</p> <p>Discipline: 10-day suspension without pay</p> |
| <p>The complainant, a supervisor in the Department, alleged that an unknown named employee might have been introducing contraband to an inmate for money at a prison.</p>   | <p>Allegation and Finding:</p> <ol style="list-style-type: none"> <li>1. Violation of Law—<b>Unfounded</b></li> </ol> <p>The evidence found that an SPD employee was not involved in introducing contraband into a prison as reported.</p>   |
| <p>The complainant alleged that the named employee was unhelpful and needlessly confrontational when responding to a traffic collision. OPA added an allegation that the named employees did not activate their In-Car Video during this incident.</p>  | <p>Allegations and Findings:</p> <p>Named employee #1</p> <ol style="list-style-type: none"> <li>1. In-Car Video/Policy—<b>Training Referral</b></li> </ol> <p>Named employee #2</p> <ol style="list-style-type: none"> <li>1. In-Car Video/Policy—<b>Training Referral</b></li> <li>2. Professionalism-Courtesy—<b>Unfounded</b></li> </ol> <p>The evidence, including eyewitnesses, showed that named employee #2 was professional toward the complainant. A Training Referral benefitted the named employees by reviewing the In-Car Video policy with their supervisor and for the supervisor to stress the importance of always using In-Car Video for each incident they are called to investigate.</p>  |



## Seattle Police Department – Office of Professional Accountability

| Case Summary   | Case Finding  |
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| <p>The complainant alleged that named employees used excessive force taking him into custody after several community members called to report a man walking in the middle of the street trying to open car doors and jumping onto cars. The complainant also alleged named officers took several property items from him that was not returned. OPA added an allegation that named employee #2 failed to use In-Car Video for this incident.</p> | <p>Allegations and Findings:</p> <p>Named Employee #1</p> <ol style="list-style-type: none"> <li>1. Unnecessary Use of Force—<b>Lawful &amp; Proper</b></li> <li>2. Mishandling Proper/Evidence—<b>Unfounded</b></li> </ol> <p>Named Employee #2</p> <ol style="list-style-type: none"> <li>1. Unnecessary Use of Force—<b>Lawful &amp; Proper</b></li> <li>2. Mishandling Property/Evidence—<b>Unfounded</b></li> <li>3. In-Car Video/Policy—<b>Lawful &amp; Proper</b></li> </ol> <p>Named Employee #3</p> <ol style="list-style-type: none"> <li>1. Unnecessary Use of Force—<b>Lawful &amp; Proper</b></li> <li>2. Mishandling Property/Evidence—<b>Unfounded</b></li> </ol> <p>Named Employee #4</p> <ol style="list-style-type: none"> <li>1. Mishandling Property/Evidence—<b>Sustained</b></li> </ol> <p>The evidence found that the named employees used reasonable and necessary force in taking the complainant into custody. The evidence also found that this incident fell into the category where In-Car Video is not required to be activated due to issues of urgency and on-view criminal activity. The evidence showed that named employee #4 was the last person to have possession of the complainant's personal item that was misplaced.</p> <p>Discipline for Named employee #4: Written reprimand</p> |
| <p>The complainant, a supervisor in the Department, alleged that the named Parking Enforcement Officer (PEO) left her shift early without authorization and then documented that she worked a full shift. It was further alleged that this was not the first time the named employee had left work early without authorization.</p>  | <p>Allegations and Findings:</p> <ol style="list-style-type: none"> <li>1. Unauthorized Absences—<b>Sustained</b></li> <li>2. Honesty—<b>Sustained</b></li> </ol> <p>The evidence showed that the named employee did not have authorization to leave work early and documented that she did work a full shift.</p> <p>Discipline: Last Chance Agreement; 20-day suspension without pay; 15 days held in abeyance for two years; if an allegation(s) of the same or similar misconduct is/are sustained during the two-year period for conduct subsequent to Agreement, named employee will be subject to termination.</p>   |



## Seattle Police Department – Office of Professional Accountability

| Case Summary   | Case Finding  |
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| <p>The complainant alleged that the named Parking Enforcement Officer (PEO) was rude and used poor discretion when issuing him a citation.</p>   | <p>Allegations and Findings:</p> <ol style="list-style-type: none"> <li>1. Professionalism-Exercise of Discretion—<b>Lawful &amp; Proper</b></li> <li>2. Professionalism-Courtesy—<b>Unfounded</b></li> </ol> <p>The evidence showed that the named employee warned the complainant twice that he was parked in a marked paying space but the complainant ignored her and continued to talk on his cell phone. The evidence also showed that the named employee gave the complainant clear parking instructions which he took as being unreasonable and rude.</p>   |
| <p>The complainant, while being taken into custody, alleged that unknown officers raped her.</p>   | <p>Allegation and Finding:</p> <ol style="list-style-type: none"> <li>1. Violation of Law—<b>Unfounded</b></li> </ol> <p>The Sexual Assault Unit of SPD investigated the allegation of rape and did not find any evidence a rape occurred.</p>  |
| <p>The complainant sent information to a City elected official alleging that a friend of his had information that methamphetamine drug dealers were receiving protection from Seattle Police Officers.</p> | <p>Allegation and Finding:</p> <ol style="list-style-type: none"> <li>1. Violation of Law—<b>Inconclusive</b></li> </ol> <p>The Narcotics Section of SPD investigated this allegation. No evidence was uncovered to link this allegation to an SPD employee.</p>  |
| <p>The complainant alleged that the named employee “yanked” her out of her car, didn’t tell her why she had been stopped and threatened to arrest her if she continued talking.</p>                        | <p>Allegations and Findings:</p> <ol style="list-style-type: none"> <li>1. Unnecessary Use of Force—<b>Lawful &amp; Proper</b></li> <li>2. Professionalism-Courtesy—<b>Unfounded</b></li> </ol> <p>The evidence showed that the named employee escorted the complainant to the sidewalk in order for traffic to flow more freely due to the complainant blocking traffic as she talked with acquaintances in a vehicle. The escort hold was necessary and un-reportable forced used on the complainant. The evidence, including eye witnesses, found that the named employee was professional when explaining the Pedestrian Interference law to the complainant.</p> |



## Seattle Police Department – Office of Professional Accountability

| Case Summary  | Case Finding  |
|---|---|
| The complainant alleged that the named employee may have been involved in the theft of money from a vulnerable, elderly adult family member.  | <p>Allegation and Finding:</p> <ol style="list-style-type: none"> <li>1. Violation of Law—<b>Unfounded</b></li> </ol> <p>This allegation was investigated by the King County Sheriff's Office and the King County Prosecutor's Office declined to file criminal charges.</p>  |
| The complainant, a supervisor in the Department, alleged that money was missing after a search warrant was conducted of the subject's residence.  | <p>Allegation and Finding:</p> <ol style="list-style-type: none"> <li>1. Violation of Law—<b>Inconclusive</b></li> </ol> <p>The allegation of theft of currency could neither be proved nor disproved by preponderance of the evidence.</p>   |
| The complainant, a supervisor in the Department, alleged the named employee was stopped by a Washington State Patrol Trooper for exceeding the speed limit. During this interaction, the named employee offered his SPD commission card with his driver's license. It was also alleged that the trooper described the named employee as "arrogant and cocky." | <p>Allegations and Findings:</p> <ol style="list-style-type: none"> <li>1. Violation of Law—<b>Unfounded</b></li> <li>2. Integrity-Misuse of Authority—<b>Inconclusive</b></li> <li>3. Professionalism-Courtesy—<b>Inconclusive</b></li> </ol> <p>The evidence, including the State trooper's In-Car Video, showed that the named employee was not driving his car recklessly or negligently. The remaining two allegations could neither be proved nor disproved by preponderance of the evidence.</p> |
| The complainant alleged the name employee removed the complainant's cell phone from his vehicle without a search warrant.   | <p>Allegation and Finding:</p> <ol style="list-style-type: none"> <li>1. Searches-General/Procedures—<b>Unfounded</b></li> </ol> <p>The evidence showed that arresting officers took the cell phone from the complainant when he was arrested as allowed by policy and turned it over to the King County Jail.</p>  |
| The complainant, a supervisor in the Department, alleged that the named employee contacted the Parking Enforcement Officer (PEO) who issued him a parking citation and asked her to void the ticket and, "to call one of the old-timers to tell her what to do with the ticket."  | <p>Allegations and Findings:</p> <ol style="list-style-type: none"> <li>1. Misuse of Authority—<b>Sustained</b></li> <li>2. Integrity—<b>Sustained</b></li> </ol> <p>The evidence showed that the named employee did ask the PEO to void the parking citation he had received.</p> <p>Discipline: 10-day suspension without pay.<br/>Discipline not imposed due to named employee's retirement prior to the conclusion of this investigation.</p>   |



## Seattle Police Department – Office of Professional Accountability

| Case Summary  | Case Finding   |
|---|--|
| <p>The complainant, a supervisor on the Department's Use of Force Review Board, alleged that named employees #1 and #3 may not have had legal justification for entering a subject's residence. The complainant further alleged that named employees # 2, #4, and #5 (supervisors of the officers) may not have properly screened and reviewed the officers' actions in the General Offense Report as well as the Use of Force Investigation. OPA added an allegation that named employees #1 and #3 failed to completely and accurately document all facts related to this incident.</p> | <p>Allegations and Findings:</p> <p>Named employee #1</p> <ol style="list-style-type: none"> <li>1. Searches-General/Procedures—<b>Inconclusive</b></li> <li>2. Primary Investigations/General—<b>Unfounded</b></li> </ol> <p>Named employees #2, and #4</p> <p>Same allegation, same finding</p> <ol style="list-style-type: none"> <li>1. Reviewing Use of Force Incidents—<b>Training Referral</b></li> </ol> <p>Named employee #3</p> <ol style="list-style-type: none"> <li>1. Searches-General/Procedures—<b>Inconclusive</b></li> <li>2. Primary Investigations/General—<b>Training Referral*</b></li> </ol> <p>Named employee #5</p> <ol style="list-style-type: none"> <li>1. Primary Investigations/Patrol Sergeant—<b>Training Referral</b></li> <li>2. Reviewing Use of Force Incidents—<b>Training Referral</b></li> </ol> <p>The allegation whether named employees #1 and #3 had legal justification to enter the subject's residence could neither be proved nor disproved by preponderance of the evidence. The evidence showed that named employee #3 was primary on this incident and did not fully or accurately document the incident by providing supportive evidence for any possible criminal charges. *OPA recommended Sustained for this allegation. However, the Chief of Police disagreed with the finding and changed it to a Training Referral. Pursuant to SMC 3.28.81(A) the Chief of Police made a written statement to the Mayor and City Council of the material reasons why he issued a final finding other than what had been recommended by the OPA Director. A Training Referral finding for the remaining allegations benefitted the named employees by reviewing the Department policy on reviewing Use of Force and General Offense Reports for thorough, accurate and complete reports.</p> |



## Seattle Police Department – Office of Professional Accountability

| Case Summary  | Case Finding  |
|---|---|
| <p>The complainant, who was issued a parking citation, alleged the Parking Enforcement Officer (PEO) gave her the citation without just cause and that the PEO's behavior was rude.</p> | <p>Allegations and Findings:</p> <ol style="list-style-type: none"> <li>1. Professionalism-Exercise of Discretion—<b>Lawful &amp; Proper</b></li> <li>2. Professionalism-Courtesy—<b>Unfounded</b></li> </ol> <p>The evidence showed that the PEO was justified in issuing the complainant a parking citation for non-payment to park. The evidence also showed that the named employee was professional when explaining the payment procedure to the complainant.</p>  |
| <p>The complainant alleged that the unknown named employee pushed him several times as the complainant was observing a fight disturbance and told the officer to get away.</p>          | <p>Allegations and Findings:</p> <ol style="list-style-type: none"> <li>1. Professionalism-Courtesy—<b>Inconclusive</b></li> <li>2. Unnecessary Use of Force—<b>Inconclusive</b></li> </ol> <p>OPA could not identify the named employee who made contact with the complainant. The allegations listed above could neither be proved nor disproved by preponderance of the evidence.</p>  |
| <p>The complainant alleged that named officers did not submit all of his money into his personal property when he was booked into jail.</p>   | <p>Allegations and Findings:</p> <p>Two named employees, same allegations, same findings</p> <ol style="list-style-type: none"> <li>1. Violation of Law—<b>Inconclusive</b></li> <li>2. Mishandling Property/Evidence—<b>Inconclusive</b></li> </ol> <p>The allegations listed above could neither be proved nor disproved by preponderance of the evidence.</p> <p>Note: The OPA Director recommended that officers and precincts should document confiscated money in the future by documenting at the scene on In-Car Video or digital photograph. Prior to any seized money being placed into evidence, or returned at the scene, two officers must count the money and document this step on the General Offense Report and CAD. The seizing of the money, the amount of money and the digital recording of the money should be documented on the General Offense Report. All precincts should have a specified area where money is counted and area is recorded on a designated video camera. This video would then be retained for 180 days.</p> |



## Seattle Police Department – Office of Professional Accountability

| Case Summary  | Case Finding   |
|---|--|
| <p>The complainant, a supervisor on the Department's Use of Force Review Board, alleged that the named employee may have used excessive force when taking the subject into custody.</p>   | <p>Allegation and Finding:</p> <ol style="list-style-type: none"> <li>1. Unnecessary Use of Force—<b>Lawful &amp; Proper</b></li> </ol> <p>The evidence, including eyewitnesses, showed that the named employee used reasonable and necessary force when taking the uncompliant subject into custody.</p>  |
| <p>The complainant, a third party, alleged the named employee berated the complainant's wife and used profanity because she did not pull over fast enough when he activated his lights and siren.</p>   | <p>Allegations and Findings:</p> <ol style="list-style-type: none"> <li>1. Professionalism-Courtesy—<b>Unfounded</b></li> <li>2. Professionalism-Profanity—<b>Unfounded</b></li> </ol> <p>The evidence showed that the allegations alleged did not occur as reported.</p>  |
| <p>The complainant alleged that the named employee made threats to him and used unnecessary force on him. OPA added an additional allegation of failure to use In-Car Video during this incident. OPA also added a named employee, alleging discourteous comments toward the complainant and failure to use In-Car Video.</p> | <p>Allegations and Findings:</p> <p>Named employee #1</p> <ol style="list-style-type: none"> <li>1. Professionalism-Courtesy—<b>Training Referral</b></li> <li>2. In-Car Video/Policy—<b>Unfounded</b></li> </ol> <p>Named employee #2</p> <ol style="list-style-type: none"> <li>1. Unnecessary Use of Force—<b>Lawful &amp; Proper</b></li> <li>2. Professionalism-Courtesy—<b>Unfounded</b></li> <li>3. In-Car Video/Policy—<b>Training Referral</b></li> </ol> <p>The evidence showed that named employee #1 did make derogatory comments toward the complainant. A supervisor reviewed this incident with the named employee and stressed to always strive to be professional and courteous at all times. The evidence showed that named employee #1 parked his car out of range of his In-Car Video. The evidence, including an eyewitness, showed that named employee #2 did not use force on the complainant nor did she make threats. A Training Referral finding benefited named employee #2 by reviewing this incident with her supervisor and the supervisor stressing the need to always activate In-Car Video prior to making contact with citizens.</p> |
| <p>The complainant alleged that the named Parking Enforcement Officer (PEO) was rude and would not assist her with information when she asked if it was legal to park in a space. The complainant further alleged that the named PEO would not identify himself when asked.</p>   | <p>Allegations and Findings:</p> <ol style="list-style-type: none"> <li>1. Professionalism-Courtesy—<b>Inconclusive</b></li> <li>2. Professionalism-Duty to Identify—<b>Inconclusive</b></li> </ol> <p>The above allegations could neither be proved nor disproved by preponderance of the evidence.</p>   |





## Seattle Police Department – Office of Professional Accountability

| Case Summary   | Case Finding  |
|--|---|
| <p>The complainant alleged that named employees used excessive force when they took him into custody.</p>  | <p>Allegation and Finding:<br/>Three named employees, same allegation, same finding</p> <ol style="list-style-type: none"> <li>1. Unnecessary Use of Force—<b>Lawful &amp; Proper</b></li> </ol> <p>The evidence showed that the named employees used necessary force, given the complainant's combative behavior, when taking him into custody.</p>  |
| <p>The complainant alleged that the named employee was discourteous when he asked the named employee how to get around a street closure where the complainant lived.</p>   | <p>Allegation and Finding:<br/>1. Professionalism-Courtesy—<b>Unfounded</b></p> <p>The evidence, including an eyewitness, showed that the named employee was professional when speaking to the complainant on the reasons why the street was closed and options on how to access his residence during this temporary street closure.</p>  |
| <p>The complainant, who was photographing and recording an incident between King County deputies and individuals they were contacting, alleged the named employee showed abuse of power and intimidation by threatening to come to the complainant's place of work and harass him. OPA added an allegation that the named employee may have prevented the complainant from documenting the incident.</p> | <p>Allegations and Findings:<br/>1. Professionalism-Courtesy—<b>Sustained</b><br/>2. Community Member Observation of Officers—<b>Unfounded</b></p> <p>The evidence showed that the named employee did engage with the complainant in an unprofessional manner. The evidence also showed that the named employee did not prevent the complainant from documenting this incident.</p> <p>Discipline: 1-day suspension without pay</p> |
| <p>The complainant alleged named employees used excessive force when they took him onto custody.</p>   | <p>Allegation and Findings:<br/>Three named employees, same allegation, same finding</p> <ol style="list-style-type: none"> <li>1. Unnecessary Use of Force—<b>Lawful &amp; Proper</b></li> </ol> <p>The evidence, including In-Car Video, showed that the named employees used reasonable, non-reportable force when taking the complainant into custody.</p>  |





## Seattle Police Department – Office of Professional Accountability

| Case Summary   | Case Finding  |
|--|---|
| <p>The complainant, a supervisor on the Department's Use of Force Review Board, alleged the named employee used poor discretion when he escalated a situation by calling the subject a disparaging name that caused the subject to react and led to the officer using excessive force on the complainant. It was further alleged that the named employee authored a General Offense Report where he listed himself as a victim. OPA added a named employee supervisor alleging the supervisor authorized the General Offense Report which listed the named employee as a victim.</p> | <p>Allegations and Findings:</p> <p>Named employee #1</p> <ol style="list-style-type: none"><li>1. Responsibility of Supervisors—<b>Training Referral</b></li></ol> <p>Named employee #2</p> <ol style="list-style-type: none"><li>1. Professionalism-Exercise of Discretion—<b>Sustained</b></li><li>2. Professionalism-Courtesy—<b>Sustained</b></li><li>3. Integrity/Misuse of Authority—<b>Training Referral*</b></li><li>4. Unnecessary Use of Force—<b>Training Referral*</b></li></ol> <p>The evidence showed that the named supervisor did review and authorize a General Offense Report which listed named employee #2 as a victim. A Training Referral finding required the named supervisor to review with his supervisor the Standards &amp; Duties Policy that states "employees shall not be the primary investigators of crimes where they are the victim." The evidence showed that the named employee did escalate this situation by calling the subject a disparaging name. *OPA recommended Sustained for the allegation that the named officer authored a General Offense Report where he is listed as a victim and the allegation of Unnecessary Use of Force. However, the Chief of Police disagreed with the Sustained findings and changed them to Training Referral. Pursuant to SMC 3.28.81(A) the Chief of Police made a written statement to the Mayor and City Council of the material reasons why he issued a final finding other than what had been recommended by the OPA Director.</p> <p>Discipline for named employee #2: 8-day suspension without pay</p> |



## Seattle Police Department – Office of Professional Accountability

| Case Summary   | Case Finding   |
|--|--|
| <p>The complainant, a supervisor in the Department, alleged the named employee was arrested for Driving Under the Influence (DUI).</p>   | <p>Allegation and Finding:</p> <ol style="list-style-type: none"> <li>1. *Professionalism-Exercise of Discretion—<b>Sustained</b></li> </ol> <p>The King County District Court dismissed the charge of DUI after a judicial finding that the trooper lacked reasonable suspicion to stop the named employee. *OPA recommended Sustained for the allegation of Violation of Law, however, the Chief of Police changed the allegation to Professionalism-Exercise of Discretion, which he Sustained. Pursuant to SMC 3.28.81(A) the Chief of Police made a written statement to the Mayor and City Council of the material reasons why he disagreed with the recommendation of the OPA Director.</p> <p>Discipline: 10-day suspension without pay held in abeyance</p> |
| <p>The complainant alleged that in 2008 she was touched in a sexual manner by a female officer during a search incident to her arrest.</p>   | <p>Allegation and Finding:</p> <ol style="list-style-type: none"> <li>1. Violation of Law—<b>Inconclusive</b></li> </ol> <p>The Sexual Assault Unit of SPD investigated this allegation and could not identify the named employee. The allegation could neither be proved nor disproved by preponderance of the evidence.</p>  |
| <p>The complainant alleged that the named employee disclosed the complainant's personal information to a person she reported to have been cyber stalking her.</p>  | <p>Allegation and Finding:</p> <ol style="list-style-type: none"> <li>1. Communication/Confidentiality—<b>Unfounded</b></li> </ol> <p>The evidence showed that the named employee did not release the complainant's personal information.</p>  |
| <p>The complainant alleged that an unknown SPD employee #1 had received stolen drugs from another unknown SPD employee #2 and unknown SPD employee #1 was sharing the drugs with an acquaintance of the complainant.</p> | <p>Allegation and Finding:</p> <ol style="list-style-type: none"> <li>1. Violation of Law—<b>Inconclusive</b></li> </ol> <p>The Narcotics Section of SPD investigated this allegation and could not identify the unknown named employees. The allegation could neither be proved nor disproved by preponderance of the evidence.</p>   |



## Seattle Police Department – Office of Professional Accountability

| Case Summary   | Case Finding   |
|--|--|
| <p>The complainant alleged the named employees used excessive force when taking him into police custody. OPA added an allegation for each named employee for failure to report the use of force.</p> | <p>Allegations and Findings<br/>Three named employees, same allegations, same findings</p> <ol style="list-style-type: none"> <li>1. Unnecessary Use of Force—<b>Unfounded</b></li> <li>2. Reporting the Use of Force—<b>Unfounded</b></li> </ol> <p>The evidence, including In-Car Audio and Precinct Holding Cell Video, showed that the named employees never used excessive force on the complainant nor did the evidence show the complainant was injured during this incident.</p>   |
| <p>The complainant alleged that an unknown employee removed his wedding ring in a police holding cell and never returned it.</p>   | <p>Allegation and Finding:</p> <ol style="list-style-type: none"> <li>1. Violation of Law—<b>Inconclusive</b></li> <li>2. Evidence &amp; Property/Policy—<b>Inconclusive</b></li> </ol> <p>The Criminal Investigation Section of SPD investigated the allegation of the complainant's missing ring and could not identify the unknown named employee. The allegations listed above could neither be proved nor disproved by preponderance of the evidence.</p>   |
| <p>The complainant alleged that named employees used excessive force and use of a Taser to take her into police custody.</p>   | <p>Allegations and Finding:</p> <p>Named employee #1</p> <ol style="list-style-type: none"> <li>1. Unnecessary Use of Force—<b>Lawful &amp; Proper</b></li> </ol> <p>Named employee #2</p> <ol style="list-style-type: none"> <li>1. Unnecessary Use of Force—<b>Lawful &amp; Proper</b></li> <li>2. Use of Less Lethal Force—<b>Lawful &amp; Proper</b></li> </ol> <p>The evidence showed that the force used on the complainant was reasonable and necessary. The force used was properly documented and reviewed and approved by the named employee's chain of command.</p> |



## Seattle Police Department – Office of Professional Accountability

### **Mediation Program**

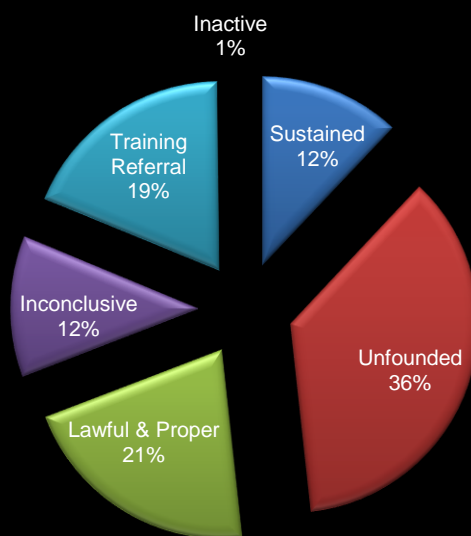
No cases were chosen for mediation during this time period.

### **Cases Opened - 2012/2013 Month to Month Comparison**

| <b>Date</b>   | <b>Supervisor Action</b> |             | <b>Investigation</b> |             | <b>TOTAL</b> |             |
|---------------|--------------------------|-------------|----------------------|-------------|--------------|-------------|
|               | <b>2012</b>              | <b>2013</b> | <b>2012</b>          | <b>2013</b> | <b>2012</b>  | <b>2013</b> |
| January       | 33                       | 24          | 16                   | 14          | 49           | 38          |
| February      | 27                       | 19          | 14                   | 13          | 41           | 32          |
| March         | 26                       | 24          | 10                   | 10          | 36           | 34          |
| April         | 40                       | 16          | 20                   | 6           | 60           | 22          |
| May           | 42                       | 33          | 17                   | 18          | 59           | 51          |
| June          | 28                       | 17          | 18                   | 16          | 46           | 33          |
| July          | 33                       | 35          | 18                   | 18          | 51           | 53          |
| August        | 46                       | 48          | 15                   | 16          | 61           | 64          |
| September     | 40                       | 39          | 17                   | 8           | 57           | 47          |
| October       | 37                       | 32          | 15                   | 23          | 52           | 55          |
| November      | 26                       | 16          | 8                    | 20          | 34           | 36          |
| December      | 27                       | 19          | 12                   | 25          | 39           | 44          |
| <b>Totals</b> | <b>405</b>               | <b>322</b>  | <b>180</b>           | <b>187</b>  | <b>585</b>   | <b>509</b>  |



**Disposition of Completed Investigations**  
Cases open as of January 1, 2012 and closed as of December 31, 2012  
N=195 Closed Cases/516 Allegations



**Disposition of Completed Investigations**  
Cases open as of January 1, 2013 and closed as of December 31, 2013  
N= 169 Closed Cases / 486 Allegations

